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MEMO ENDORSED

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July 20, 2020

VIA ECF

The Honorable Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square, Room 2103
New York, NY 10007

**Re: *Worrell v. The Pickle People LLC, et al.* (1:19-cv-11040) (KPF) (DCF)
Joint Status Report and Request for Additional Stay of 60 Days**

Dear Judge Failla:

We represent The Pickle People LLC (“Maison Pickle”) in the above-referenced matter. On behalf of Maison Pickle and plaintiff Vernita Worrell (“Plaintiff”) (collectively, the “Parties”), we hereby provide the Parties’ Joint Status Report in accordance with this Court’s Order, dated May 19, 2020 (D.E. 14). At that time, the Court stayed the action for 60 days. The relevant circumstances have not changed, and, accordingly, we respectfully request a further stay of this action for an additional 60 days and the setting of a deadline for the submission of another Joint Status Report at that time.

As we discussed in our prior application, this action concerns Plaintiff’s desire to dine indoors at Maison Pickle’s restaurant and claims of alleged physical barriers to access pursuant to Title III of the Americans with Disabilities Act (“ADA”) and analogous state and local laws. However, on-premises dining at the restaurant was suspended in March 2020 in response to the COVID-19 pandemic and Governor Cuomo’s executive order prohibiting the service of food or beverages on-premises at restaurants in New York State. More recently, indoor dining in New York City was postponed indefinitely. Due to this development, the ongoing public health crisis caused by the COVID-19 pandemic, and the tumultuous economic effects that the pandemic is causing, it is unknown if and when the restaurant will reopen for indoor dining.

Maison Pickle maintains that the suspension of indoor dining potentially affects Plaintiff’s standing and the viability of this federal action because Title III of the ADA only allows for injunctive relief. For example, if the restaurant does not reopen for indoor dining, then there would be no likelihood of a future injury based on the claims asserted, and this Court may lack subject-matter jurisdiction. Aside from this potential legal issue, there also are practical concerns regarding the litigation of this matter, including with respect to the



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engagement of experts to inspect the premises and investigate Plaintiff's claims, and the fact that defendant 2315 Broadway LLC ("Landlord") has not yet appeared in this action. The Landlord's appearance is necessary due to the nature of the claims and Plaintiff's request for injunctive relief.

For all of these reasons, we respectfully request that this Court continue to stay this action, including the deadline for Maison Pickle to respond to the Complaint *sine die*, and order the Parties to submit another joint status report in sixty (60) days. This application is the second request for a stay of this action.

We thank the Court for its consideration of our request.

Respectfully submitted,
/s/ Jason B. Jendrewski
Jason B. Jendrewski

cc: Donald J. Weiss, Esq. (via ECF)

Application GRANTED. This action is hereby STAYED for 60 days. The parties are ORDERED to file a joint status report on or before September 18, 2020.

Dated: July 20, 2020
New York, New York

SO ORDERED.

A handwritten signature in blue ink that reads 'Katherine Polk Failla'.

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE